

REMARKS

REQUEST FOR CONTINUED EXAMINATION

A Request for Continued Examination (RCE) and corresponding small entity fee are submitted herewith.

5 CLAIM AMENDMENTS

To expedite prosecution, claims 2-28 and 146 have been canceled without prejudice. The Applicant reserves the right to the later filing of a divisional application directed to the subject matter of these canceled claims. Furthermore, to expedite prosecution, claim 29 and has been rewritten in independent form. Newly added claims 148 depends from claim 147 and recites the subject matter formerly in claim 146. Similarly, newly added claims 149-174 depend, directly or indirectly, from claim 29 and recite the subject matter formerly in claims 2-28. In addition the Applicant has amended the last line of claim 29 to insert the word "unique" between "2^N" and "transforms." This amendment is being made to improve readability of the claims. Furthermore, claim 29 has been amended to recite that "the N addressable optical elements are stacked in series such that light forming an image sequentially passes through all N addressable optical elements for all 2^N addressable filter functions". A similar amendment has been made to claim 147. Support for this feature can be found, e.g., in FIG. 1 as filed. As such, no new matter has been entered.

CLAIM REJECTIONS

20 35 USC 102(b) – Hinton (US 4,764,890)

Claims 2-7, 9-11, 13-14, 17-20, 28-31, 37-40, 47-48 and 147 were rejected under 35 USC 102(b) as being anticipated by US Patent 4,764,890 to Hinton (hereinafter Hinton). In rejecting the claims it is argued that Hinton discloses an optical processor comprising an optical module 120 having a plurality of addressable optical elements and other features of the rejected claims.

25 The Applicant respectfully traverses the rejections. The rejections of claims 2-7, 9-11, 13-14, 17-20, and 28 are rendered moot by virtue of their cancellation. As set forth above, the Applicant amended claims 29 and 147 to recite that the N addressable optical elements are stacked in series such that light forming an image sequentially passes through all N addressable optical elements for all 2^N addressable filter functions. The Applicant submits that Hinton is
30 devoid of such a teaching. Instead, it is clear from Hinton's teachings at col. 5, and col. 6 that it

is only possible for light to pass sequentially through *all* of the devices in Hinton's array 120 for some but not all combinations of states of the devices 121-129. Specifically, as shown in FIG. 1a of Hinton, input light beam 150 passes, at most, through devices 121, 123 and 128 via holograms 101 and 103. It is noted that light beam 150 does not pass through any of the other devices for this combination of states. As such, Hinton does not teach all the features of independent claims 29 and 147 and a prima facie case of anticipation is not present. Dependent claims 30-31, 37-40, 47, 48 and newly added 149-174 are believed to be patentable by virtue of their dependence from claim 29. As such, these dependent claims define an invention suitable for patent protection.

USC 102(b) – Nishimoto (GB 2171535)

Claims 2, 6, 8, 12, 14-16, and 21-27 were rejected under 35 USC 102(b) as being anticipated by United Kingdom Patent GB 2171535 to Nishimoto (hereinafter Nishimoto). In rejecting the claims it is argued that Nishimoto discloses an optical processor comprising one or more optical modules including N addressable optical elements, where $N > 2$.

The Applicant respectfully submits that these rejections have been rendered moot in view of the cancellation of claims 2-27.

USC 102(e) – Popovich (US 6,356,366)

Claims 2, 6, 32-36, 41-46, 49-53, and 146 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,356,366 to Popovich (hereinafter Popovich). In rejecting the claims it is argued that Popovich discloses an optical processor comprising an optical module 10, wherein the optical module includes a plurality of addressable optical elements 26, 28, 30, wherein the addressable optical elements are positioned in series. The Examiner further states that Popovich teaches that each of the elements 26, 28, 30 has two states.

The Applicant respectfully traverses the rejection. The rejections of claim 2, 6 and 146 are rendered moot in view of their cancellation. Further, the Applicant submits that claims 32-36, 41-46, 49-53 depend from claim 29 which recites that “*each of the at least 2^N addressable filter functions produces a unique transform between an object and an image whereby there are at least 2^N unique transforms*”. The Applicant submits that Popovich is devoid of such a teaching.

Furthermore, it is noted that column 5, lines 30-48 of Popovich clearly teach that only one of optical element 26, 28, 30 at a time is switched to its active state to focus light at points X, Y and Z. Popovich is silent as to regarding where the light will be focused if two or more of the optical

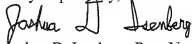
elements 26, 28, 30 or whether each different combination of optical elements 26, 28, 30 will produce a different (i.e., unique) transform.

It is further noted that the Examiner has not rejected claim 29 as being anticipated by Popovich in either of the two Office Actions in the present application. It would appear therefore, that the Examiner is in agreement that Popovich does not teach the features of claim 29. Since claims 32-36, 41-46, 49-53 depend from claim 29 and recite additional features therefor, the Applicant submits that Popovich does not anticipate these dependent claims. In addition, newly added 149-174 are believed to be patentable over Popovich by virtue of their dependence from claim 29.

CONCLUSION

The Applicant submits that, for the reasons set forth above, the restriction requirement is improper and all of the pending claims are allowable. Therefore, the Applicant respectfully requests that the Examiner enter the amendment, reconsider the application and issue a Notice of Allowance in the next Office Action.

Very respectfully,



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